



**Item #2 ROGO Deferred BPK/NNK  
Staff Report**

**MEMORANDUM**

**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**  
*We strive to be caring, professional and fair*

To: Planning Commission

Through: Mayté Santamaria, Sr. Director of Planning and Environmental Resources

From: Tiffany Stankiewicz, Development Administrator

Date: February 5, 2016

Subject: Allocation Awards to be allocated, if available, to applicants previously deferred within the Big Pine Key/No Name Key Subarea

**Meeting Date: February 24, 2016**

This report has been prepared to identify allocation awards which expired January 30, 2016, and to award allocations to applicants previously deferred within the Big Pine Key/ No Name Key Subarea.

**I) BACKGROUND INFORMATION:**

**Big Pine/No Name Key Sub-area:**

- 1) On June 23, 1992, the Monroe County Board of Commissioners adopted Ordinance 016-1992, implementing the Residential Dwelling Unit Allocation System. The ordinance became effective on July 13, 1992 and has been amended from time to time.
- 2) In 1998, the Florida Department of Transportation, Monroe County, the Florida Department of Community Affairs, the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission signed a Memorandum of Agreement to develop a Habitat Conservation Plan (HCP) for the Key Deer and other protected species in the project area.
- 3) The Livable Communikeys Program (LCP), Master Plan for Future Development of Big Pine Key and No Name Key was adopted on August 18, 2004 under Ordinance 029-2004. The LCP envisioned the issuance of 200 residential dwelling units over 20 years at a rate of roughly 10 per year. A minimum of twenty percent of the 10 units per year are to be set aside for

affordable housing development. Below is a table tracking LCP allocations remaining at the conclusion of Quarter 1 Year 24.

Liveable Communikeys Master Plan (LCP) 2003-2023					
	Beginning Balance	Allocated through Quarter 1 Year 24	Balance of LCP Allocations *	Deferred Allocations	Balance including Deferred Allocations
Market Rate Allocations	160	108	54	3	51
Affordable Housing Allocations	40	10	18	0	18
<b>Totals</b>	<b>200</b>	<b>118</b>	<b>72</b>	<b>3</b>	<b>69</b>

\* Means the total adjusted to account for expired allocation, reserved allocations and re-use of allocations.

- 4) On September 22, 2005, the Monroe County Board of Commissioners adopted Ordinance 025-2005 which revised the ROGO to utilize the Tier overlay as the basis for the competitive point system. The ordinance became effective on February 5, 2006.
- 5) On June 9, 2006, the U.S. Fish and Wildlife Permit was issued to 1) Monroe County, Growth Management Division, 2) Florida Department of Transportation, and 3) Florida Department of Community Affairs for Threatened and Endangered Species Incidental Take Permit (ITP) as defined within the geographic area covered by the HCP.
- 6) Livable CommuniKeys Master Plan *Action Item 3.2.6*: Limit allocation awards in Tier I to no more than five percent of all residential units permitted over the twenty-year planning period (*i.e.*, a maximum of 10 units) or a total of  $H = 0.022$  (two percent of the total H), whichever results in the lower H. Development in Tier 1 is tracked from December 27, 2004, the effective date of the Livable CommuniKeys Plan, which established the Tier System for Big Pine, and No Name Key. (Ordinance 020-2009)
- 7) The ITP (Federal ITP #TE083411-0) requires the Permittees [1. Monroe County, Growth Management Division, 2. Florida Department of Transportation, and 3. Florida Department of Community Affairs] to ensure that the take of the covered species is minimized and mitigated. The Permittees are responsible for meeting the terms and conditions of the ITP and implementing the HCP.
- 8) The ITP specifies in G5, "New residential development in Tier 1 (Tiers defined in HCP, Table 2.7) areas will be limited to no more than five percent of all residential units permitted over the 20-year life of the HCP (*i.e.*, a maximum of 10 units) or a total H of 0.022), whichever results in a lower H."
- 9) The Incidental Take Permit (ITP) provides specific development limitations on Big Pine Key/No Name Key, including, but not limited to:

- The total impact of commercial, institutional (including public projects such as wastewater and roads), and residential development over the 20-year life of the HCP shall not exceed H=1.1.
- For each H value unit of development, 3 H units of conservation lands shall be acquired, restored, and protected in perpetuity. Over the term of this permit, lands with a cumulative H value of 3.3 shall be acquired.
- New residential development will be limited to a maximum of 200 dwelling units over the 20 year life of the HCP.
- New residential development in Tier 1 areas will be limited to no more than 5% of all residential units permitted over the 20 year life of the HCP (no more than 10 units) or H=0.022 whichever results in a lower H.
- No new development other than single-family residential and accessory uses will be permitted in Tier I areas.

As of December 31, 2014 (11 years into the 20-year permit), the County has issued 103 allocations of the 200 building permits allowed to be issued. The properties comprise 35.3% (0.3887 H) of the total 1.1 'H' allowed, while 86% (2.8428 'H') of the total 3.3 'H' mitigation required by the HCP and ITP has been acquired.

As noted above, the ITP allows development of 10 dwelling units or 0.022 H impact, whichever results in a lower H in Tier I areas on Big Pine/No Name Keys. Over this time period, there have been 14 ROGO allocations issued; however, 10 of the 14 allocation awards have expired. The remaining 4 of these allocations were issued building permits and certificate of occupancies. The total H-value for the residential units completed is 0.0074 'H'.

10) **Tier 1 applications previously deferred on Big Pine Key/No Name Key Sub-area:**

Key (Island)	Permit Number	Deferred Allocation type	Quarter, Year Deferred	Real Estate Number	H-value
No Name	96101467	Market Rate	Q3Y22 (2014)	00319494.000700	0.0034
No Name	96101468	Market Rate	Q4Y22 (2014)	00319494.000800	0.0025
No Name	96101471	Market Rate	Q1Y23 (2014)	00319494.001100	0.0027

**II) ALLOCATION FACTORS:**

- A. The ITP limits Big Pine/No Name Key to ten (10) allocations over a twenty year period or H =0.022 whichever is lower. Below is a table tracking the Tier 1 allocations by Quarter/Year.

Tier 1 Award limits	Key (Island)	Permit Number		Allocation type	Quarter, Year	Real Estate Number	H-value	Permit Issue Date	Certificate of Occupancy (C/O) Date	Current Status	Tier 1 Allocations Update
Limited to a maximum 10 or H= .022 whichever is lower over the life of the ITP.	Big Pine	95101613		Market Rate	Q3Y4 (1996)	00285550.000000	0.0028	6/1/2005	9/4/2012	C/O	Big Pine/No Name Keys Subarea: Used 4 (since 1996) out of a maximum potential of 10 or less depending on H allowance whichever comes first. Based on permits issued to properties in Tier 1 and pending permits with allocation awards the H total is .0074 (since Dec. 27, 2004).
	Big Pine	96101622		Market Rate	Q2Y6 (1998)	00289510.000000	0.0022	5/1/2006	3/6/2008	C/O	
	Big Pine	03102303		Adm. Relief	Q2Y16 (2008)	00289710.000000	0.0013	4/29/2008	8/4/2010	C/O	
	Big Pine	97101361		Market Rate	Q1Y17 (2008)	00296820.000000	0.0011	12/16/2009	3/29/2012	C/O	
	No Name (Not used)	96101472	Schleu, Vivienne	Market Rate	Q2Y19 (2011)	00319494.001300	0.0026	Not Issued		Expired	
	No Name (Not used)	96101470	Schleu, Vivienne	Market Rate	Q2Y20 (2012)	00319494.001000	0.0029	Not Issued		Expired (7/22/2015)	
	No Name (Not used)	96101469	Schleu, Vivienne	Market Rate	Q2Y20 (2012)	00319494.000900	0.0032	Not Issued		Expired (7/22/2015)	
	No Name (Not used)	96101464	Schleu, Vivienne	Market Rate	Q3Y20 (2012)	00319494.000500	0.0024	Not Issued		Expired (7/22/2015)	
	No Name (Not used)	96101463	Schleu, Vivienne	Market Rate	Q4Y20 (2012)	00319494.000400	0.0019	Not Issued		Expired (7/22/2015)	
	No Name (Not used)	96101473	Schleu, Vivienne	Market Rate	Q4Y20 (2012)	00319494.001400	0.0023	Not Issued		Expired (7/22/2015)	
	No Name (Not used)	96101462	Schleu, Vivienne	Market Rate	Q4Y21 (2013)	00319494.000300	0.0026	Not Issued		Expired (1/30/2016)	
	No Name (Not used)	96101461	Schleu, Vivienne	Market Rate	Q2Y22 (2014)	00319494.000200	0.0022	Not Issued		Expired (1/30/2016)	
	No Name (Not used)	96101460	Schleu, Vivienne	Market Rate	Q2Y22 (2014)	00319494.000100	0.0043	Not Issued		Expired (1/30/2016)	
	No Name (Not used)	96101465	Schleu, Vivienne	Market Rate	Q3Y22 (2014)	00319494.000600	0.0026	Not Issued		Expired (1/30/2016)	

Based on the Code, Comprehensive Plan, Livable CommuniKeys Plan, Habitat Conservation Plan, and Incidental Take Permit within the Big Pine/No Name Key Subarea, new residential development in Tier 1 is limited to no more than five percent of all residential units permitted over the twenty year planning period (i.e., a maximum of 10 units) or H=0.022, whichever results in a lower H over the life of the ITP (2003-2023). A review of the H-impacts used (0.0074) to date, shows 0.0146 remains available for Tier 1 (H limit is 0.022 - 0.0074 used = 0.0146).

- B. G5 in the ITP specifies, "New residential development in Tier 1 (Tiers defined in HCP, Table 2.7) areas is limited to no more than five percent of all residential units permitted over the 20-year life of the HCP (i.e., a maximum of 10 units) or a total H- 0.022), whichever results in a lower H."
- C. LCP, Action Item 3.2.6: Limits allocation awards in Tier I to no more than five percent of all residential units permitted over the twenty year planning period (i.e., a maximum of 10 units) or a total H-0.022 (two percent of the total H), whichever results in a lower H.
- D. Monroe County Code Section 138-24(a)(5) Big Pine Key and No Name Key.  
All allocation awards on Big Pine Key and No Name Key are subject to the provisions of the Incidental Take Permit and the Habitat Conservation Plan for the Florida Key Deer and other covered species, which may affect ROGO allocations under this article.
- E. Monroe County Code Section 138-25(f) Expiration of allocation award: Except as provided for in this division, an allocation award shall expire when its corresponding building permit is not picked up after sixty (60) days of notification by certified mail of the award or after issuance of the building permit, upon expiration of the permit or after failure of the applicant to submit required plan revisions by the required date set for in subsection (j).

Key (Is Land)	Permit Number	Allocation type	Quarter, Year	Real Estate Number	H-value	Permit Issue Date	Current Status
No Name	96101462	Market Rate	Q4Y21 (2013)	00319494.000300	0.0026	Not Issued	Expired (1/30/2016)
No Name	96101461	Market Rate	Q2Y22 (2014)	00319494.000200	0.0022	Not Issued	Expired (1/30/2016)
No Name	96101460	Market Rate	Q2Y22 (2014)	00319494.000100	0.0043	Not Issued	Expired (1/30/2016)
No Name	96101465	Market Rate	Q3Y22 (2014)	00319494.000800	0.0026	Not Issued	Expired (1/30/2016)
Total H-value					0.0117		

### III) CONCLUSION:

#### Market Rate Allocations:

Recommend approval of the market rate allocation awards for the following previously deferred allocations. The allocation awards are made subject to the H availability and availability of H mitigation at the time of permitting.

Big Pine Key/No Name Key previously deferred Tier 1 Market Rate Allocation Awards within the LCP, HCP & ITP allowances										
Quarter Year	Planning Commission Resolution	Permit #	Name	Key	Subdivision	Lot	Block	RE#	Tier Designation	Parcel H value
Quarter 3 Year 22	P15-14	96101467	Schleu, Vivienne	No Name	Rev. Plat Galleon Bay	7	N/A	00319494.000700	1	0.0034
Quarter 4 Year 22	P29-14	96101468	Schleu, Vivienne	No Name	Rev. Plat Galleon Bay	8	N/A	00319494.000800	1	0.0025
Quarter 1 Year 23	P38-14	96101471	Schleu, Vivienne	No Name	Galleon Bay, Rev. Plat	11	N/A	00319494.001100	1	0.0027
Total H =										0.0086